

and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was plain and naturally colored tomato ketchup and that the bottles each contained 8 ounces thereof; whereas the article was artificially colored tomato ketchup, and the bottles contained less than 8 ounces thereof. Misbranding of the said tomato ketchup was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the statement "6 Ozs.," faintly marked in pencil, was not a plain and conspicuous statement of the quantity of the contents, since the figure "6" was almost illegible, and the statement "8 Ozs.," also marked on the package, was a plain and conspicuous, incorrect statement. Misbranding of the gherkin pickles was alleged for the reason that the statement "6 Ozs.," borne on the bottle label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said bottles contained less than 6 ounces of the article. Misbranding of the gherkin pickles was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the bottles contained less than so declared.

On March 24, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19599. Adulteration of walnut meats. U. S. v. 14 Boxes of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27730. I. S. No. 52012. S. No. 5817.)**

Samples of walnut meats from the interstate shipment involved in this action having been found to be decomposed and wormy, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Wisconsin.

On February 8, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 boxes of walnut meats, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about July 29, 1931, from Boston, Mass., to Milwaukee, Wis., by the Northeastern Importing Co., of Boston, Mass., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19600. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 27457. I. S. Nos. 22152, 22199.)**

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, and a portion of which was also found to be short weight.

On February 9, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Mutual Creamery Co., a corporation trading at Seattle, Wash. It was alleged in the information that on or about May 1 and May 11, 1931, the defendant company had delivered for shipment from Seattle, Wash., to Alaska, quantities of butter that was adulterated and misbranded in violation of the food and drugs act as amended. A portion of the article was labeled: "Maid o'Clover Four-In-One Butter \* \* \* One Pound Net Pasteurized Creamery Butter Manufactured and Distributed by Mutual Creamery Company, U. S. A." The remainder was labeled: "Maid O'Clover Butter \* \* \* Guaranteed by Mutual Creamery Co., Seattle, U. S. A."

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had

been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," appearing on the labels, and the statement "One Pound Net," appearing on the label of a portion of the article, were false and misleading, since the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat, and that the packages containing a portion thereof each contained 1 pound net of the article; whereas the product did not contain 80 per cent by weight of milk fat but did contain a less amount, and the packages in the said portion did not contain 1 pound net but did contain less than 1 pound net.

On March 18, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19601. Adulteration and misbranding of canned shrimp. U. S. v. 25 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27410. I. S. No. 12641. S. No. 5598.)**

Samples of canned shrimp involved in this action were found to be decomposed. The cans were slack filled and were not labeled to show that fact as required by law.

On December 21, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of the said canned shrimp, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce by the Nassau Packing Co., from Jacksonville, Fla., on or about November 11, 1913 (1931), and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Camarones Bella Cubana \* \* \* The Nassauville Packing Co., Nassauville, Florida."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the article fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, in that the entire contents occupied less than 90 per cent of the volume of the cans and the label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On February 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19602. Adulteration of fish (bluefins). U. S. v. 5 Boxes of Fish, et al. Default decrees of destruction entered. (F. & D. Nos. 27769, 27770. I. S. Nos. 47797, 52868. S. Nos. 5860, 5861.)**

Examination of the fish in the shipments involved in these actions showed that the product was infested with worms.

On February 20, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of seven boxes of fish (bluefins) at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce by Sam Johnson & Son's Fisheries (Inc.), from Duluth, Minn., on or about February 15, 1932, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was infested with triaenophori, and was adulterated in that it consisted in part of a filthy, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On February 20, 1932, no claim having been entered for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*